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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 MICHAEL AND KERRY WASHBURN,  
11 parents of and P.L.N. WASHBURN, a minor  
12 child,

13 Plaintiffs,

14 v.

15 PUYALLUP SCHOOL DISTRICT NO. 3,

16 Defendant.

No. CV-08-5682 BHS

ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT OF DISMISSAL

17 THIS MATTER comes before the Court on Defendant Puyallup School District's  
18 Motion for Summary Judgment of Dismissal ("Motion"). Dkt. 5.

19 On January 22, 2009, Defendant moved to dismiss Plaintiffs' claims. Plaintiffs did  
20 not file a response.

21 "If a party fails to file papers in opposition to a motion, such failure may be  
22 considered by the court as an admission that the motion has merit." Local Civil Rule  
23 7(b)(2).

24  
25 ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
OF DISMISSAL

Case No. CV-08-5682 BHS

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1 Now, having reviewed Defendant's Motion, the Declaration of Kris Lenke and  
2 attached exhibits, and the other pleadings and papers filed in this action, and being fully  
3 informed, the Court hereby ORDERS as follows:

4 Defendant's Motion (Dkt. 5) is GRANTED and this matter is DISMISSED  
5 WITHOUT PREJUDICE.

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7 DATED this 17th day of February, 2009.

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12 BENJAMIN H. SETTLE

United States District Judge

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25 ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
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